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November 7, 2007

BY HAND

Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2210
New York, New York 10007

MEMO ENDORSED

Re: Fontanez v. N.Y. City Dep't of Corr. Bldg., et al., 07 Civ. 7905

Dear Judge Pauley:

I am the Assistant Corporation Counsel recently assigned to represent defendants in the above-referenced matter. In this action, *pro se* plaintiff Miguel Fontanez seeks over nine million dollars in damages based on allegations that a flood occurred in his cell block in a New York City Department of Correction facility.

I write to request that defendants' time to respond to the complaint be extended to December 7, 2007, and that the initial pre-trial conference currently scheduled for November 30, 2007 be adjourned to a date thereafter that is convenient for the Court. Plaintiff has not yet effected service on all defendants, but the original date to respond for those defendants who have been served was November 6, 2007, with the exception of the New York City Department of Correction, whose original date to respond was October 31, 2007. I respectfully ask that the Court excuse the lateness of this request, as I just received the file today, and because plaintiff will not be prejudiced. This is the first such request defendants have made, and I have been unable to contact plaintiff to obtain his consent as he is currently incarcerated. The additional time is necessary to allow me to fully investigate plaintiff's allegations, research the applicable law, and prepare an appropriate response.

Thank you for your consideration of this request.

Application denied.
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

11/9/07

cc: Miguel Fontanez (by mail)

Respectfully submitted,

Toni Gantz
Assistant Corporation Counsel